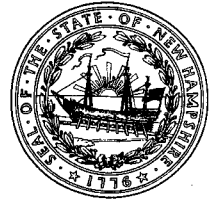




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET 06-030**

April 19, 2006

Robert Principato  
47 Catamount Road  
Tewksbury, MA 01876

RE: DES Wetlands File #2001-00393 Howe Road, Wilmot

Dear Mr. Principato:

On April 3, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Wilmot Tax Map 13 as Lot 41 ("the Property"). The purpose of the inspection was to determine compliance with RSA 485-A:17, and specifically whether compliance with conditions noted in Wetlands and Non-Site Specific Permit 2001-393 ("the Permit") had been achieved.

During the inspection, the following deficiencies were documented:

1. Approximately 150 feet of ditch line on the south side of the bridge was exposed and unstable. Sediment from the ditch was eroding into Cascade Brook, a violation of Condition 8 of the Permit;
2. The sideslopes to the drainage ditch were exposed and improperly shaped, resulting in undercutting of the bank and erosion into the ditch; and
3. Cross-drainage culverts lacked headwalls and outlet protection. Sediment was observed accumulating and running downslope toward Cascade Brook.

In response, you are requested to take the following actions:

1. **Immediately** install erosion control measures such as hay bales and stone check dams within the ditch to prevent further sedimentation into Cascade Brook;
2. By May 1, 2006, prepare an Erosion and Sediment Control Plan ("the Plan") for approval to DES. Include in the Plan:
  - a. Provisions for permanent stabilization of the exposed ditch and sideslopes to the ditch;
  - b. Provisions for armoring culvert outlets to minimize sediment from leaving the Property;
  - c. A detailed description of the proposed construction sequence; and
  - d. An implementation schedule to carry out the work described in the Plan.
3. Implement the Plan only after receiving written approval and as conditioned by DES.

RSA 482-A and RSA 485-A:17 were enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at [lmagoon@des.state.nh.us](mailto:lmagoon@des.state.nh.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over the word "COPY" which is printed in large, bold, capital letters.

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7004 2410 0003 1195 8206

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Wilmot Conservation Commission  
Wilmot Board of Selectmen  
USACOE  
Michael Hanson, Michael Hanson Construction